IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 635 of 2004(A)

PETITIONER:

VATTAMKULAM GRAMA PANCHAYATH,
REP. BY ITS SPECIAL GRADE SECRETARY,
P.O.VATTAMKULAM, MALAPPURAM DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR
SRI.P.HARIDAS

RESPONDENTS:
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1. **THE STATE OF KERALA, REP. BY**
   CHIEF SESCRETARY TO GOVERNMENT OF KERALA,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE CHIEF ENGINEER,**
   PUBLIC WORKS DEPARTMENT(ROAD)
   THIRUVANANTHAPURAM.

3. **THE ASSISTANT EXECUTIVE ENGINEER,**
   PUBLIC WORKS DEPARTMENT(ROADS)
   PONNANI.

4. **THE ASSISTANT ENGINEER,**
   PUBLIC WORKS DEPARTMENT (ROADS)
   PONNANI.

BY GOVERNMENT PLEADER SRI.MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C 635/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PROJECT REPORT PREPARED BY THE PETITIONER.

EXT.P2:- COPY OF THE APPROVAL OF THE B.D.O. PONNANI.

EXT.P3:- COPY OF THE LETTER NO.53/03 FROM THE VILLAGE OFFICER, VATTAMKULAM TO THE PETITIONER.

EXT.P4:- COPY OF THE FIELD MAP OF SY.NO.70/1 OF VATTAMKULAM VILLAGE.

EXT.P5:- COPY OF THE BASIC TAX RECEIPT DT.29.1.03.

EXT.P6:- COPY OF THE ESTIMATE CONSTRUCTION OF BUILDING FOR NADUVATTAM KSHEERALPADANA SAHAKARANA SANGHAM HAS BEEN INCLUDED IN IX PLAN 2000-01.

EXT.P7:- COPY OF THE LETTER NO.A2-202/98 DT.25.1.03 OF THE 1ST RESPONDENT TO THE TAHSILDAR, PONNANI.

EXT.P8:- COPY OF THE LETTER NO.5/2000 DT.24.1.2003 FROM THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P9:- COPY OF THE LETTER NO.A2/202/98 DT. 25.1.03 OF THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P10:- COPY OF THE LETTER DT.25.1.03 FROM THE CONVENOR, NADUVATTAM KSHEERA SANGHAM BUILDING .

EXT.P11:- COPY OF THE JUDGMENT DT.11.2.03 IN OP.4868/03 OF THIS HON'BLE COURT.

EXT.P12:- COPY OF THE REPORT NO.B1-1089/03 DT.8.8.03 OF THE TALUK SURVEYOR, PONANI TO THE 3RD RESPONDENT.

EXT.P13:- COPY OF THE NOTICE NO.5/2000(2) DT.6.10.03 OF THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P14:- COPY OF THE NOTICE NO.5/2000(1) DT.6.10.03 OD RHW 3RD RESPONDENT TO THE PETITIONER.

EXT.P15:- COPY OF THE DECISION NO.2/03 (2) DT.21.10.03 OF THE PETITIONER PANCHAYATH.

EXT.P16:- COPY OF THE LETTER NO.A1.610/03 DT.25.10.03 OF THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P17 :- COPY OF THE LETTER NO.A.1.610/93 DT.12.12.03 OF THE PETITIONER TO THE 1ST RESPONDENT.

W.P.(C) NO.635/2004

RESPONDENTS EXHIBITS

EXT.R3(a):- COPY OF THE LETTER OF RDO TO THE PETITIONER TO THE TAHSILDAR, PONNANI.

EXT.R3(b):- COPY OF THE LETTER OF THE TAHSILDAR DT. 20.11.02.

EXT.R3(c):- COPY OF THE RDO TIRUR DT.26.11.02.

EXT.R3(d):- COPY OF THE NOTIFICATION NO.G.O. (P) 590/85/DT.6.685.

EXT.R3(e):- COPY OF THE SKETCH SHOWING THE RELATIVE POSITION OF THE DISPUTED BUILDING UNDER CONSTRUCTION.

EXT.R3(f):- COPY OF THE LETTER DT. 15.8.03 OF THE TAHSILDAR , PONNANI.

EXT.R3(g):- COPY OF THE REPORT OF THE TALUK SURVEYOR, PONNANI.

EXT.R3(h):- COPY OF THE SKETCH OF THE ENCROACHMENT LAND.

EXT.R3(i):- COPY OF THE RESURVEY REGISTER (B-REGISTER) OF EDAPPAL VILLAGE.

EXT.R3(j):- COPY OF THE RESURVEY REGISTER(B-REGISTER) OF VATTAMKULAM VILLAGE.

EXT.PR3(k):- COPY OF THE RESURVEY REGISTER (B-REGISTER) OF VATTAMKULAM VILLAGE.

EXT.R3(L):- COPY OF THE PMB MAP OF R.S. NO.70/1 IN VATTAMKULAM VILLAGE.

EXT.R3(M):- COPY OF THE PMB MAP OF R.S. NO.152 IN EDAPPAL VILLAGE.

/TRUE COPY/

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KURIAN JOSEPH, J.

W.P.(C) No.635 of 2004

Dated 28th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus or any other writ order or direction directing the respondents 1 and 2 to consider Exts.P16 and P17 requests of the petitioner and assign the land in R.S.No.70/1 of Vattamkulam Village where the petitioner has constructed a building, to the petitioner Panchayat."

It is for the Government to consider Ext.P17. There will be a direction to the first respondent to consider Ext.P17 with notice to the petitioner and pass appropriate orders thereon in accordance with law, within four months from the date of production of a copy of the judgment. The interim order dated 9.1.2004 will continue till such time.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.